

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Susan Shields v Cranbrook Schools**
Docket No. **268023**
L.C. No. **2002-045266-NZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the June 16, 2005 order denying appellant's motion to set aside the settlement agreement and the January 9, 2006 order awarding attorney fees and costs is DISMISSED for lack of jurisdiction. This Court lacks jurisdiction over the appeal from the June 2005 order because it is a postjudgment order that is not appealable as a matter of right. *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999) (an order denying an appellant's motion to set aside an earlier final order is a postjudgment order that is not appealable as a matter of right if the appellant failed to file the motion within the initial 21-day appellate period). Any earlier case law to the contrary has been specifically overruled by the adoption of the final order definitions found at MCR 7.202(6)(a). *Id.* This Court also lacks jurisdiction over the appeal from January 2006 order since it does not set the amount of fees and costs owed. In order to be a final adjudication, the circuit court must enter an order or series of orders that establish both the liability of a party and the remedy for the situation. *Children's Hosp v Auto Club Ins Ass'n*, 450 Mich 670, 677; 545 NW2d 592 (1996).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 01 2006

Date

Sandra Schultz Mengel
Chief Clerk